
November 24, 2017

Press Release - For Immediate Release

Defendant's Name: Derick Neuman
Age: 20
State of residence: SD
Criminal File Number: 16-364
Incident Date: October 3, 2016
Indictment Date: November 2, 2016
Arraignment Hearing: November 28, 2016
Charges filed: Ct.1: Possession of a Schedule 1 or 2 Controlled Substance (Wax), 22-42-5, (F5), 5/10
Ct.2: Possession of a Schedule 3 or 4 Controlled Substance (Xanax), 22-42-5, (F6), 2/4
Ct. 3: Unauthorized Possession of a Scheduled IV Controlled Drug or Substance with the Intent to distribute (Xanax), 22-42-4, (F6), 2/4
Ct. 4: Possession of Marijuana with the Intent to Distribute Less than 1 oz., SDCL 22-42-7, (F6), 2/4 + (Civil 10K)
Ct. 5: Possession of Marijuana Less than 2 oz., SDCL 22-42-6, (M1), 1/2
Ct. 6: Possession of Drug Paraphernalia, SDCL 22-42A-3, (M2) 30/500
Change of Plea Date: February 6, 2017
Date of Sentencing: March 6, 2017
Convicted of: Ct. 1: Possession of a Schedule I or II Controlled Substance, SDCL 22-42-5, F5 5/10
Ct. 2: Possession of a Schedule III or IV Controlled Substance, SDCL 22-42-5, F6 2/4
Ct. 5: Possession of Marijuana less than 2 oz., SDCL 22-42-6, M1 1/2
Arresting Officer: Trooper Trent Heuertz
Probation Violation Date: August through September, 2017
Probation Violations: Failing to obey all laws & Failing to stay sober.
– Derick Neuman was convicted of poss of CS
– Derick Neuman was convicted of simple assault (domestic)
– Derick Neuman was convicted of contributing to abuse of minor
– Derick Neuman was convicted of obstruction of a policy officer
– Derick Neuman was arrested and charged w/ 1st Degree Burglary
– Derick Neuman was arrested and charged w/ resisting arrest
– Derick Neuman was arrested and charged w/ underage possession of alcohol
Initial Appearance PV: November 11, 2017
Admission Date: November 11, 2017
Disposition Date: November 11, 2017
Defense Attorney: Katie Johnson
Prosecution Attorney: Jerry Miller

Original Case Synopsis:

On October 3, 2016, Union County 911 received a driving complaint about a vehicle speeding and cutting off vehicles on I-29, heading southbound near mile marker 44. The report included the vehicle's license plate which turned out to be expired. Trooper Heuertz of the SDHP, spotted the vehicle near mile marker 34, heading south at a speed of 85 mph in an 80 mph zone and initiated a traffic stop for the expired plates and speeding. The passenger was identified as Derick Neuman. Upon the passenger rolling the window down, Trooper Heuertz detected the odor of marijuana and noticed that Mr. Neuman's lap was covered in marijuana. Mr. Neuman admitted that he had smoked a marijuana blunt right before they were pulled over. Trooper Heuertz then searched the vehicle and Mr. Neuman's person. On Mr. Neuman's person the Trooper located a large knife; an expandable baton; brass knuckles; and \$1607.00 in cash – bundled by a large binder clip. In the vehicle, in Mr. Neuman's backpack, the Trooper located the following: one glass jar containing marijuana residue; one glass jar containing marijuana; marijuana wrapped in paper; two marijuana grinders; a rubber container, which contained marijuana wax; an empty plastic bag with white residue; an unmarked pill bottle with 111 pills of Xanax (Alprazolam); and a digital scale. Mr. Neuman was charged with the possession and intent to distribute Alprazolam and marijuana, along with possession of drug paraphernalia.

Original Sentencing Synopsis:

Derick Neuman was found guilty of Ct.1, possession of a schedule 1 or 2 controlled substance; Ct.2, possession of a schedule 3 or 4 controlled substance; Ct.5, possession of marijuana; and Ct.6, possession of drug paraphernalia.

Originally, the Court sentenced Derick Neuman on Ct.1, the class 5 felony offense of possession of a schedule 1 or 2 controlled substance, to a five-year suspended sentence to the South Dakota State Penitentiary. Neuman's sentence was suspended on the terms and conditions that he satisfy the terms of his four-year term of supervised probation. Neuman was also sentenced to serve 70 days in the Union County Jail and given credit for the 9 days that he spent incarcerated prior to sentencing. The Court ordered that Neuman pay the following: \$104 in Court Costs; \$10 in Prosecution Costs; \$193 to the SD Drug Control Fund; and \$1,039.20 in Court-Appointed Attorney Fees.

The Court sentenced Derick Neuman on Ct.2, the class 6 felony offense of possession of a schedule 3 or 4 controlled substance, to a two-year suspended sentence to the South Dakota State Penitentiary. Neuman's sentence was suspended on the terms and conditions that he satisfy the terms of his two-year term of supervised probation. Neuman was also sentenced to serve 70 days in the Union County Jail and given credit for the 9 days that he spent incarcerated prior to sentencing. The Court ordered that Neuman pay the following: \$104 in Court Costs. The Court ordered that Neuman's jail sentence in count 2 shall run concurrent to his sentence in count 1. The Court ordered that Neuman's term of probation in count 2 shall run concurrent to his probation in count 1.

The Court sentenced Derick Neuman on Ct.5, the class 1 misdemeanor offense of possession of a marijuana, to pay the following: \$84 in Court Costs and a fine of \$300.

The Court sentenced Derick Neuman on Ct.6, the class 2 misdemeanor offense of possession of drug paraphernalia, to pay the following: \$66 in Court Costs and a fine of \$200.

Probation Violation Case Synopsis:

On 8/2/2017, Derick Neuman was convicted on Possession of a Controlled Substance in Minnehaha County. This would-be Mr. Neuman's third felony conviction March of 2017. On 8/31, Neuman was convicted of Simple Assault (Domestic); contributing to the abuse, neglect or delinquency of a minor; and the obstruction of an officer. These misdemeanor offenses occurred in Union County and the charges stemmed from an incident that occurred on August 5, 2017. During this arrest Mr. Neuman was also intoxicated.

As reported by the media on 9/7/2017, the Sioux Falls Police reported that an Elk Point man, Derick Neuman was found eating shredded cheese in a family's utility room early Thursday morning. Public Information Officer Sam Clemens said a 15-year-old girl was sleeping on a couch in the living room of the home in the 4700 block of W. 17th Place when she heard the man come in the open back door around 2:30 a.m. The victim stated that she ran and locked herself in a room where she called police. Clemens said there were also other people in the home at the time of the incident. Officers responded to the residence and found 20-year-old Derick Gregory Neuman in the utility room eating the cheese. Clemens said his PBT was .18. Neuman was arrested for first degree burglary, resisting arrest and underage consumption. Clemens said Neuman had walked through the kitchen but did not know if he had brought the cheese with him or not.

Probation Violation Disposition Synopsis:

On November 11, 2017, the Court ORDERED that the Defendant shall serve a sentence of One Hundred Eighty (180) days in the Union County Jail. IT IS FURTHER ORDERED that the Defendant shall receive credit for One Hundred Sixty-Six (166) days that the Defendant spent incarcerated prior to disposition. The Defendant shall be sentenced to Five (5) years in the South Dakota State Penitentiary with the sentence to begin immediately. It is further ORDERED that the EXECUTION of the Five (5) year SENTENCE shall be SUSPENDED upon the Defendant satisfying continued supervised probation for Four (4) years under the following terms and conditions:

1. The Defendant shall be placed under the supervision of the Chief Court Officer, or his representative, for a period of Four (4) years. The Defendant shall sign and comply with all terms of Adult Probation Agreement.
2. The Defendant shall obey all federal, state and local laws.
3. That the Defendant shall not possess or use any alcoholic beverages, or use or possess any controlled drugs or illegal substances, including marijuana, while on probation with the exception of medications lawfully prescribed and ingested according to the doses prescribed by a licensed physician.
4. The Defendant shall waive his/her Fourth Amendment right against warrant-less random search and seizure by his/her Probation Officer and/or any law enforcement officer upon request, to include the Defendant's person, vehicle, and residence. This waiver shall include the Defendant submitting to a UA, breathe or other bodily substance upon request. The Defendant shall remain responsible for the costs of all UA's or any other substance tests.
5. The Defendant shall successfully complete any and all treatment and aftercare, and follow all the recommendations of Glory House in Sioux Falls, South Dakota.

6. After the Defendant successfully completes the Glory House program, the Defendant shall enroll in the Tall Grass program or some other step down program and complete that step down program.
7. Court Services shall have the discretion to require the Defendant to participate in the CBISA program, MRT program or other classes and programming as Court Services may direct during the term of probation.
8. The Defendant shall pay all monetary obligations as Ordered by this Court as a term of satisfying Defendant's probation. The Defendant shall work with her probation officer and establish a minimum monthly payment plan and forward payments to the Clerk of Courts.

IT IS ORDERED, ADJUDGED, AND DECREED that the Defendant shall serve a sentence of One Hundred and Eighty-Seven (187) days in the Union County Jail. IT IS FURTHER ORDERED that the Defendant shall receive credit for One Hundred and Sixty-Six (166) days that the Defendant spent incarcerated prior to this disposition.

IT IS FURTHER ORDERED that the Defendant shall serve Five (5) day of the remaining One Hundred and Eighty-Seven (187) days to sit out Three Hundred Dollars in unpaid fines at a rate of Sixty (\$60) dollars a Day.

IT IS FURTHER ORDERED and noted on the record that the Defendant was advised about the court's sentence exceeding a One Hundred and Eighty (180) day sentence by Two (2) days, and with the advice of counsel and after being fully informed, the Defendant did waive on the record the Two (2) days over the One Hundred and Eighty (180) days to allow the court to enter this sentence in this manner.

IT IS FURTHER ORDERED that the Defendant shall pay the following amounts **previously** ordered to the Union County Clerk of Courts (209 East Main Street, ~ Suite 230, Elk Point, SD 57025): Court Costs remaining in the amount of One Hundred Four (\$104.00) Dollars; and Prosecution costs in the amount of Ten (\$10.00) Dollars; Transport costs in the amount of Eighteen Dollars and Forty-Eight Cents (\$18.48); and Costs payable to the (South Dakota Drug Control Fund, 1302 East Highway 14, Suite 5 Pierre, SD 57501) in the amount of Ninety-Nine (\$99.00) dollars.

IT IS FURTHER ORDERED that the Defendant shall pay the following amounts Ordered by the Court – To the Union County Auditor (209 East Main Street, ~ Suite 200, Elk Point, SD 57025): **New** Court Appointed Attorneys Fees in the amount of Five Hundred and Forty Dollars and Fifty Cents (\$540.50); and **previous** Court Appointed Attorneys Fees in the amount of Eight Hundred Sixty-One Dollars and Thirty Cents (\$861.30), thus totaling of One Thousand Four Hundred and One Dollars and Eighty Cents (\$1401.80). IT IS FURTHER ORDERED that Union County is awarded a Judgment for total amount of Court-Appointed Attorney Fees.

IT IS FURTHER ORDERED that the Defendant shall remain in the custody of the Union County Sheriff's Office until he can be transported to the Glory House on November 13, 2017.

Criminal History Synopsis:

This is Derick Neuman's 1st probation violation on Neuman's first and second felony drug possession convictions. This original file also included two misdemeanor drug possession convictions. Since Mr. Neuman was placed on supervised probation in March of 2017, Neuman

has been convicted of a third felony offense; and two more misdemeanor offenses. Additionally, Mr. Neuman has now been charged with another serious felony offense of first degree burglary. Not only has Mr. Neuman been convicted for a simple assault, he is also being charged with resisting arrest. In at least two of his last incidents, Mr. Neuman has been highly intoxicated during the offenses he was charged in. Derick Neuman's behavior is becoming progressively more dangerous with crimes involving drugs and violence.